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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/051,141

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Ralph L. Brooker

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06/18/2004

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EXAMINER

LE, HOANGANH T

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,141

Applicant(s)

BROOKER ET AL.

Examiner

HoangAnh T Le

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13, 15, 17-22, 24-32, 34-40, 42-44, 47 and 49-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 10-13 and 24-32 is/are allowed.
- 6) ☒ Claim(s) 15, 17-22, 34-40, 42-44, 47, 49-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/24/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The amendment filed on May 24, 2004 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15,20-22, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkin et al (the US patent No. 6,166,700, of record).

The Jenkin et al reference teaches in figure 4 a self-pointing antenna comprising: means for supporting a feed 42 on an elongated boom arm coupled to a reflector 20*, means 40 extending between the reflector and the boom arm for supporting the boom arm; and means 40 for adjusting an effective length of the boom arm supporting means to thereby adjust the position of the feed relative to the reflectors, the means for adjusting comprising a single an actuator 40 (figures 4 and 5). The actuator 40 is mounted to the boom arm (figure 4). The support means comprises an elongated ligature (figure 4).

Art Unit: 2821

4. Claims 34,36,40, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Ehrenberg et al (the US patent No. 6,441,798, of record).

The Ehrenberg et al reference teaches in figure 16 a self-pointing antenna comprising: a reflector 106, one of a feed 180 and a sub-reflector, and a plurality of support struts 140,142 coupled between the reflector and the one of a feed and a sub-reflector and supporting the one of a feed and a sub-reflector, and a single actuator 190 for adjusting the position of said one of a feed and a sub-reflector relative to the reflector. The actuator 190 is mounted to the feed.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17,18,19,49, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkin et al (cited above) in view of Adams (the US Patent No. 6,350,037, of record).

The Jenkin et al reference teaches every feature of the claimed invention, excluding the actuator being mounted to the top side or the bottom side of the boom arm or to the feed and the actuator comprising an automotive mirror-glass actuator.

Art Unit: 2821

The Adams reference teaches the use of an automotive mirror-glass actuator in order to improve the performance of the actuator. Since one of ordinary skill in the art would recognize the benefit of improving the performance of the actuator, it would have been obvious to provide Jenkin et al with an automotive mirror-glass actuator as taught by Adams.

Regarding claims 17, 18, 49 and 53, it would have been an obvious matter of desire choice to have the actuator being mounted to a top side of the boom arm, to a bottom side of the boom arm or to the feed, since applicant has not disclosed that the actuator being mounted to a top side of the boom arm, or to a bottom side of the boom arm or the feed solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the actuator being mounted to the reflector as taught by Jenkin et al.

7. Claims 35, 37, 38, 39, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehrenberg et al (cited above) in view of Choi (the US Patent No. 5,874,925, of record).

The Ehrenberg et al reference teaches every feature of the claimed invention, excluding the actuator comprising a two-axis motorized carriage.

The Choi reference teaches in figure 2 the use of an actuator comprising a two-axis motorized carriage in order to improve the performance of the actuator. Since one of ordinary skill in the art would recognize the benefit of improving the performance of the actuator, it would have been obvious to provide Ehrenberg et al with a two-axis motorized carriage as taught by Choi.

8. Claims 50-52, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkin et al (the US Patent No. 5,874,925).

The Jenkin et al reference teaches every feature of the claimed invention, excluding the actuator comprising a two-axis motorized carriage.

The Choi reference teaches in figure 2 the use of an actuator comprising a two-axis motorized carriage in order to improve the performance of the actuator. Since one of ordinary skill in the art would recognize the benefit of improving the performance of the actuator, it would have been obvious to provide Jenkin et al with a two-axis motorized carriage as taught by Choi.

Allowable Subject Matter

9. Claims 1-8, 10-13, and 24-32 are allowed.

10. The following is an examiner's statement of reasons for allowance: none of the cited art discloses a single actuator operatively coupled with the support struts for permitting movement of the support struts for adjusting the position of the feed relative to the reflector.

Response to Arguments

11. Applicant's arguments filed May 24, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Jenkin or Ehrenberg does not teach "so as to selective adjust either /or both of a beam elevation and beam azimuth of a main beam axis of the antenna", a recitation of the intended use of

Art Unit: 2821

the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

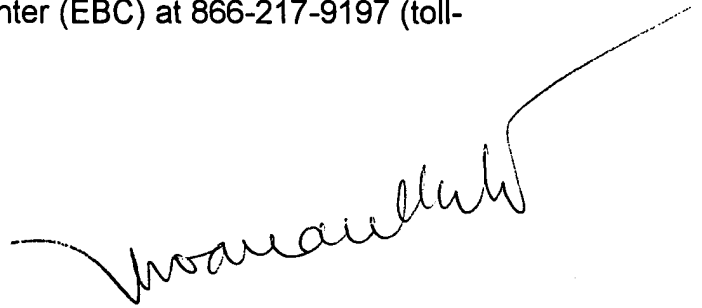
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HoangAnh T Le whose telephone number is (571) 272-1823. The examiner can normally be reached on 8:00am-4:30pm.

Art Unit: 2821

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hoanganh Le', with a long, sweeping horizontal line extending to the right.

Hoanganh Le
Primary Examiner